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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,562	08/21/2001	Mary Rogde		4222

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10/10/2002

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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 10/10/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

7c-2

Office Action Summary

Application No.

09/935,562

Applicant(s)

ROGDE, MARY

Examiner

Virginia Manoharan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims. For example: 'comprises' recited in line 2. Correction is required. See MPEP § 608.01(b).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The sole claim is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The sole claim, as it is framed, is functional to the point of being indefinite inasmuch as the narrative process language and the functional language make the actual structure vague and the true structural limitations for apparatus claims are not readily determine. The structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

b. The term "the said" numerously recited in the claim e.g., in the second line from the bottom, is redundant.

c. The term "pure" as in "pure water" recited in the last line is a relative term, which renders the claim indefinite. The term "pure" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

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of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

d. In line 2 "called" should be—comprising--, --including—or the like as anyone of the latter terms is the language normally used in patent claims.

e. The "whereby" clause is not understood, particularly with the recitation of "selectively urged". The means or device that will do the selective urging is not positively recited in the claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The sole claim is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Possidento or Wilkerson and Gerber or Sear.

Klein discloses substantially the features of the apparatus as claimed. See Fig. 1 and the claims in col. 4-6. The apparatus of Klein differs from the claimed invention in that the sole claim recites in section (a) – (f) of "the said channel being connected to an outlet pipe to a U-tube that is connected to a collecting tank which in turn connected to a suction pump through a valve, and the said suction pump is also connected to a storage tank, and the said collecting tank is also connected to the said storage through another valve and the said storage tank is to be filled with the condensed water from the said chamber". However, Possidento or Wilkerson, Jr. teaches a U-shaped trough for collecting condensate. See e.g., col. 5, lines 1-9 and Fig. 5 of Possidento; and in the

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abstract of Wilkerson. Gerber or Sear is applied to teach that the claimed valves and suction pumps are conventionally used in a solar desalination plant for their art-recognized functions. See e.g. Fig. 1 of Gerber. To incorporate the elements of Possidento or Wilkerson and Gerber or Sear to the apparatus of Klein would have been obvious to one of ordinary skill in the art as all the references are directed to the same processing environment, i.e., to a solar distillation device.

The "whereby" clause in the sole claim does not recite any elements of an apparatus, and therefore cannot distinguished from the prior art in the structural sense.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hay, Swaidan and Deutsch, all disclose a solar still.
- b. Hirota et al discloses an apparatus wherein said liquid reservoir member has a black inner surface.
- c. Delano discloses a solar still with floating slab supporting particulate radiant energy receptor.
- d. Anderson and Coanda et al, both disclose the purification of water.
- e. Maine discloses a solar heat collector.
- f. Castellucci et al discloses a solar distillation device with ceramic modules to improve the evaporation rate.

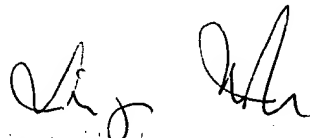
Any inquiry concerning this communication from the examiner should be directed to V. Manoharan whose telephone number is (703) 308-3844. The examiner can generally be reached on Tuesday–Friday from 7:30 a.m. to 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Marian Knode can be reached on (703) 308-4311. The fax phone numbers for the organization where this application is assigned are (703) 872-9311 for regular communications and (703) 308-0651 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

V. Manoharan/dh
October 9, 2002


PRIMARY EXAMINER
ART UNIT 1764
10/9/02